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November 9, 2006

The Honorable Ronald J. Hedges, U.S.M.J.
United States District Court, District of New Jersey
M.L. King, Jr. Federal Building & U.S. Courthouse
50 Walnut Street
Newark, New Jersey 07102

Re: In re Human Tissue Products Liability Litigation
Civil Action No. 2:06-cv-00135-WJM-RJH
MDL No. 1763

Dear Magistrate Hedges:

As you know, this office represents Defendant English Brothers Funeral Home in the above-captioned matter. I am writing to the Court to report several developments regarding my client that have recently occurred.

Initially, there appears to have been some confusion as to who English Brothers Funeral Home is. English Brothers is a local, privately owned funeral home that is situated in Brooklyn, New York. English Brothers has no direct affiliation with either Michael Mastromarino or Joseph Nicelli, nor are either Mr. Mastromarino or Mr. Nicelli owners or principals in English Brothers in any way, shape or form. In fact, the only relationship that English Brothers had with either Mr. Mastromarino and/or Mr. Nicelli is that on a few occasions, English Brothers rented a portion of their facility to one or both of these men. English Brothers has cooperated fully with the Brooklyn District Attorney's Office concerning the indictments brought against Mr. Mastromarino and Mr. Nicelli, and absolutely no criminal charges have been brought against any of the principals of English Brothers in any way, shape or form.

As English Brothers is so far removed from the conduct alleged in the Complaints, we certainly have a viable basis to move under Rule 12(B)(6) for a dismissal of many of the Counts contained in the Complaints. In accordance with our discussion on the record at the last conference before the Court on October 5, 2006, this will confirm that English Brothers will forego filing any motions to dismiss until the "science motions" have been decided. This will also confirm that at the Court's direction, English Brothers' rights to move to dismiss for various other grounds are preserved until such time that the Court instructs, which preferably will be after the "science motions" are decided.

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In the interim, I have spoken with Kevin Dean of Motley Rice and a representative of the D'Arcy law firm, who have indicated a willingness to sign a Stipulation of Dismissal as to various Counts in the Complaints (Jackson, Pieper and Augustin) that could not pertain to English Brothers. In addition, I have contacted a representative of Dutton, Braun, Staack & Hellman, P.C., who represents Plaintiffs Brans, Kalvig, Andreassen, Madden and Symonds in the five Iowa matters and who has indicated a willingness to sign a similar Stipulation of Dismissal. I will attempt to contact Mr. Cook to further discuss this, as seven (7) additional Complaints have been filed by his firm naming English Brothers as a Defendant. If Mr. Cook agrees to sign similar Stipulations as to the new cases, this would cover all of the known Complaints where English Brothers is named as a Defendant. Once we have finalized the form of the Stipulation of Dismissal, we will send it to the Court for review.

Thank you for your consideration.

Respectfully submitted,

RIVKIN RADLER LLP



JOHN ROBERTELLI

JR:mr
cc (via electronic filing): All Counsel of Record